

# **Central Valley Regional Water Quality Control Board**

## **Timber Harvest Activities Waiver Program Overview**

### **General Discussion**

Timber harvesting operations are of significant economic importance in the Central Valley region. Approximately 50 percent of the State's timberlands are located in this region and approximately 45 percent of the statewide harvest of commercial timber occurs in the Central Valley region. Due to cutbacks in harvesting on Federal lands, most of this harvested volume is removed from private land. Timber harvesting operations have the potential to impact water quality in our region's higher elevation watersheds, the source of much of California's surface water supply. Potential impacts from timber harvesting include: sediment discharges from roads and watercourse crossings, petroleum discharges from heavy equipment usage near surface waters, herbicide discharges from efforts to control competing vegetation and increases in water temperature from the removal of shade producing vegetation near surface waters.

On 18 March 2010, the Regional Water Board adopted the Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities in Order No. R5-2010-0022 (Waiver). The Waiver specifies eligibility criteria and conditions that must be met by dischargers engaged in timber harvest activities on private and USFS lands in order to qualify for a waiver of waste discharge requirements (WDR). The Waiver includes a Monitoring and Reporting Program (MRP) which identifies times and types of monitoring to be conducted to ensure that high standards of water quality protection are achieved.

Dischargers submit Waiver applications called Certification Notices at least 30 days prior to commencement of timber harvest activities. The Waiver includes the requirement that dischargers with activities eligible for enrollment under Categories 3 and 4 (private lands) submit a report of waste discharge and a \$1,226.40 enrollment fee (for projects enrolling as of 1 April 2010).

In order to cease Waiver coverage the discharger must submit (and staff must approve) a Notice of Termination at the conclusion of those activities. Regional Water Board staff is responsible for ensuring waiver compliance by evaluating both Certification Notices and Notices of Termination forms to ensure the plan meets the Waiver criteria and conditions and by conducting field inspections as feasible.

An internal workplan is maintained and revised annually (or more often as necessary) to address the waiver regulatory structure and to distribute the workload amongst the three offices. The workplan primarily focuses on continuing timber harvest plan (THP) review through the California Department and Forestry and Fire Protection (CAL FIRE) process

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for activities on non-federal lands and to evaluate Waiver compliance on both federal and non-federal lands.

### **Program Activities**

The following is a list of regulatory and other related activities regularly performed by program staff:

- Waiver processing
  - Non-federal lands
  - Federal lands
- Waiver compliance inspections
- Participation in CAL FIRE THP review process (including pre-harvest inspections)
- Participation in BOF (Board of Forestry) committees and rule making process
- Coordination with State Water Board, CAL FIRE and other Regional Boards
- Participation in Revision of USFS Water Quality Management Plan
- Water quality monitoring (limited)
- Outreach to industry and watershed groups
- Enforcement actions

### *Waiver Processing*

All Waiver Certification Notices received are screened and entered into the database. Approximately 20 percent of the Waiver Certification Notices and supporting documents undergo a more comprehensive review (those that are eligible under Categories 3 and 4). When staff notes a threat to water quality (road construction, road abandonment, crossing construction, herbicide application proposals, etc.), a field review of that project is conducted.

#### *Non-Federal Lands*

Staff utilizes a database to track waivers submitted for Waiver Categories 1-4. The database tracks activities from 1998-2009 and contains 2,400+ records. Each record equals one timber harvest plan (does not include Emergency or Exemption Notices) and does not imply Waiver enrollment. As of March 2010, approximately 600 plans were enrolled in the Waiver under Categories 3 and 4.

#### *Federal Lands*

Staff receives, on average, approximately 100 Waiver Certification Notices for activities on USFS lands.

The USFS has applied for Waiver coverage for the following types of projects; fire salvage harvest, forest stand improvement, fuels reduction, hazard tree removal, herbicide applications and timber harvest activities.

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### *Waiver Compliance Inspections*

Our workplan establishes a goal for compliance inspections on non-federal timber harvesting projects of 5 percent for Waiver Categories 1 and 2, 30 percent for Category 3, and 15 percent for Category 4. In 2009, staff completed a total of 80 field compliance and other inspections that met the workplan goal for Waiver Category 3, but fell short of the goal for Waiver Categories 1, 2 and 4 due to resource limitations (and mandated furloughs).

### *Participation in CAL FIRE Review Team Process*

Staff continues to coordinate with CAL FIRE in the review of the THPs submitted for non-federal lands. Detailed review and field inspection are reserved for the THPs that pose the greatest threat to water quality. This effort constitutes a proactive approach to prevent timber harvest related impacts on water quality and assists in educating the timber industry of the need to implement additional management measures (beyond those required by the Board of Forestry's Forest Practice Rules) where necessary to comply with Basin Plan objectives.

### *Participation in Board of Forestry Committees and Rule Making Process*

As resources allow, staff attend select BOF committee and other meetings where proposed rule changes relating to water quality protection are drafted. The Regional Water Board has stated that is their long-term goal to continue to encourage the BOF to improve the Forest Practice Rules and CAL FIRE to improve its regulatory program to increase water quality protection.

### *Coordination with State Water Board, CAL FIRE and Other Regional Boards*

Staff continues to work closely with the SWB and other regions to coordinate waiver activities, comment on proposed legislation and communicate with other regional board staff on the various regulatory timber programs.

### *Participation in Revision of USFS Water Quality Management Plan*

Staff is participating in an intensive revision of the USFS Water Quality Management Plan (WQMP) along with the State Water Board, two of the regional boards and the USFS. It is the State Water Board's intent to utilize the revised WQMP as the foundation for a statewide waiver of WDR for activities conducted on USFS lands.

### *Water Quality Monitoring*

Staffing resources have been limited further than usual by the Governor's mandated furloughs and have effectively been prevented from participating in monitoring activities in 2009.

### *Outreach To Industry and Watershed Groups*

Staff works with watershed groups to address local concerns regarding water quality issues associated with timber harvesting primarily on non-federal lands where staffing resources allow. When resources allow, staff intends to expand coordination with interested watershed groups and citizen committees to continue to focus our limited water quality monitoring in watersheds where impacts from timber harvesting are of

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greatest concern. Staff provides outreach to the timber industry by speaking at conferences and industry group meetings when asked and resources allow.

### *Enforcement Actions*

Staff initiates enforcement actions in the form of requests for corrective actions, adoption of wasted discharge requirements (WDR) or civil penalties for those timber operations that violate the Waiver and threaten to adversely impact water quality.

### **Monitoring and Reporting Program (MRP)**

The Waiver includes a MRP to ensure that landowners are conducting timber harvesting in compliance with CAL FIRE and USFS regulations and the Waiver. The MRP has varying levels of monitoring required of each THP based on the potential threat to water quality.

#### *Implementation monitoring*

Is required to ensure that management measures are implemented as proposed.

#### *Forensic monitoring*

Is required to identify failed management measures or other sources of discharge during the winter period (in order to provide opportunity for timely correction)

#### *Effectiveness monitoring*

Is required to verify the effectiveness of management measures after the winter period.

#### *Compliance monitoring*

Is required by the Executive Officer under certain conditions, requires water column sampling to determine if waste discharges from timber harvest activities are in compliance with Basin Plan standards.

#### *Assessment and Trend monitoring*

Is required by the Executive Officer under certain conditions, used to characterize existing water quality or related stream conditions on a watershed scale to determine baseline conditions and trends.

### **Current Waiver Program Statistics**

Regional Water Board staff receives and review an average of 200 timber harvest plans on private lands annually. As of March 2010, there are 760 plans on private lands currently enrolled in the Waiver (Categories 1-4). Of those, 646 are plans on private lands enrolled in Waiver Categories 3 and 4 (the higher-risk categories).

Regional Water Board staff also receives and review an average of 100 timber harvest projects on federal lands annually. As of March 2010, there are 304 projects enrolled under Waiver Category 5.

### **Order**

The Waiver Order, adopted in March 2010, will expire on 31 March 2015. Until that date, staff will continue to focus on reviewing proposals for timber harvest activities on both private and federal lands. Staff will also continue to strive to ensure a high level of compliance with the Waiver criteria and conditions by conducting outreach, training and the preparation of guidance documents. Monitoring results will be reviewed each year and staff will strive to inspect as many of the higher-risk plans as possible throughout the life of those plans to ensure protection of water quality.